

April 2, 2007

Joanne McCaughan, Senior Field Representative
Washington Federation of State Employees
1210 Eastside Street SE Suite 300
Olympia, WA 98501

RE: Sue Soto v. Department of Labor & Industries
Allocation Review Request 06AL0091

Dear Ms. McCaughan,

On December 6, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Ms. Soto's position. Present at the Director's review meeting were you, Ms. Soto, and WFSE Shop Steward Jim Hughes; Human Resource Consultant Sandra Riggle representing the Department of Labor & Industries (L & I); and Kenneth Mettler, Outreach Manager, and Ms. Soto's supervisor, Librarian Jane Vander Brook, also with L&I.

Background

On May 4, 2006, Ms. Soto submitted a Position Description Form (PDF) to L&I's Human Resources Department, requesting that her Office Assistant 3 position, #1997, be reallocated to a Library & Archives Paraprofessional 2 position. Ms. Soto works in the Division of Occupational Safety and Health (DOSH) at L&I. By letter dated May 5, 2006, Human Resource Consultant Sandra Riggle notified Ms. Soto that her position #1997 was going to be reallocated to the Library & Archives Paraprofessional 2 classification, effective May 4, 2006. Ms. Riggle concluded Ms. Soto's duties as the Circulation Supervisor, directing circulation activities within L&I's Department Safety & Health Video Library, as well as her responsibility for developing procedures and establishing policies regarding circulation and inventory controls, supported her reallocation.

On May 31, 2006, Ms. Soto requested a Director's review of Ms. Riggle's allocation determination, stating that she believed her duties were best described by the Library & Archives Paraprofessional 3 classification.

During the Director's review meeting, you requested that we also consider the Library & Archives Paraprofessional 4 and 5 classifications, and Mr. Hughes further mentioned the Office Support Supervisor classification. After the December 6, 2006 Director's review meeting, Ms. Riggle agreed to do a subsequent review and revisit the allocation of Ms. Soto's position.

On January 19, 2007, Ms. Riggle sent an email to you and to me, stating that she had reviewed Ms. Soto's position and concluded she should be reallocated to the Library & Archives Paraprofessional 3 classification (Exhibit K). In addition to reviewing Ms. Soto's position, Ms. Riggle discussed the classification with the Secretary of State's Human Resource Office, since the Secretary of State has employees working in the library located at L&I on a contract basis. After speaking with the Secretary of State's HR Office, Ms. Riggle learned they use the Library & Archives Paraprofessional 3 level for other units outside the conservation/preservation unit identified in the distinguishing characteristics.

Ms. Riggle ultimately determined Ms. Soto's position should be reallocated to the Library & Archives Paraprofessional 3 class, effective May 4, 2006, and she rescinded her previous allocation decision. Ms. Riggle determined Ms. Soto met the distinguishing characteristics of the Library & Archives Paraprofessional 3 level because she leads/supervises assigned staff and serves as a functional specialist. However, Ms. Riggle determined Ms. Soto's duties did not reach the level of complexity or require the intensive application of specialized knowledge and skills described at the Library & Archives Paraprofessional 4 and 5 levels. Further, she did not find Ms. Soto's duties were described by the Office Support Occupational Category because those positions perform a variety of clerical and/or secretarial duties in support of a work unit.

Summary of Ms. Soto's Perspective

Ms. Soto asserts she performs leadworker/supervisory duties and oversees the daily responsibilities for all circulation functions within the Safety and Health Video Library. As such, Ms. Soto contends she monitors and oversees the maintenance of the video collection and ensures shelves are properly maintained and resources accurately placed on shelves. Ms. Soto also describes the database she uses as unique and complex and states she and her supervisor contributed to the development of the database. Ms. Soto asserts the video library is unique because it is a resource for employers and citizens regarding safety and health issues. Ms. Soto further asserts she assists customers and makes recommendations based on the content of select videos. Ms. Soto states she also makes recommendations on items her supervisor orders. Ms. Soto characterizes the work she performs as complex due to the variety of issues that can occur daily and the new information that needs to be researched based on customer requests. As a result, Ms.

Soto contends she should be allocated to at least the Library & Archives Paraprofessional (LAPP) 3 level but believes she qualifies for the LAPP 4 and 5 levels as well.

Summary of the Department of Labor & Industries' (L&I's) Reasoning

L&I asserts the Library & Archives Paraprofessional 3 classification best encompasses the duties and responsibilities assigned to Ms. Soto's position. L&I acknowledges Ms. Soto fully supervises a Library & Archives Paraprofessional (LAPP) 1 position and believes this distinction meets the distinguishing characteristics of the LAPP 3 level. L&I also believes Ms. Soto functions as at the journey level as a fully qualified library technician and/or serves as a functional specialist in the circulation unit of the video library. L&I does not believe Ms. Soto's duties meet the distinguishing characteristics representative of the higher LAPP 4 and 5 levels because she does not deal with complex technical library or archival tasks using intensive application of specialized knowledge and skills. Therefore, L&I contends the appropriate allocation for Ms. Soto's position is the Library & Archives Paraprofessional 3 classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to May 4, 2006, the date Ms. Soto submitted her reallocation request to L&I.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. I also considered the additional email correspondence from you and Ms. Riggle. Based on my review and analysis of Ms. Soto's assigned duties and responsibilities, I conclude her position is properly allocated to the Library & Archives Paraprofessional 3 classification.

Rationale for Determination

The category concept of the Library & Archives Paraprofessionals Occupational Category indicates that incumbents perform a wide variety of tasks in the delivery of library services that range from basic/entry level to complex technical work and problem solving at the higher levels. It also notes, in part, that some positions "maintain or direct the operations of library . . . units or functions." Positions also assist clients with reference, informational, and bibliographic questions; perform circulation and collection maintenance; perform interlibrary lending and document delivery functions; and perform a range of cataloging functions.

Incumbents also perform library technical tasks such as assisting clients with general reference and bibliographic questions, performing circulation and collection maintenance and preservation functions, updating library records and maintaining the operations of a library unit.

Ms. Soto's position best fits the Library & Archives Paraprofessionals Occupational Category rather than the Office Support Occupational Category. In reviewing the documents submitted, I focused on the Library & Archives Paraprofessional (LAPP) 3 and 4 classifications. Both levels may supervise others.

The distinguishing characteristics at the LAPP 3 level state:

Leadworker level of the series. Leads assigned staff and functions as a fully qualified library technician, and performs journey level technical library tasks or serves as a functional specialist in a conservation/preservation unit by leading staff or directing the operation of the unit. Regularly assigns, instructs and checks the work of others.

The distinguishing characteristics at the LAPP 4 level state, in part:

This is the first expert/supervisor level of the series. Performs complex technical library . . . tasks using intensive application of specialized knowledge and skills, such as search bibliographic or complex reference resources, performs complex cataloging of library . . . materials with catalog copy, analyze and resolve complex order, bibliographic . . . problems, assist clients with reference services including interpreting and conferring on research strategies and assisting the management and preservation of the collection.

Ms. Soto's position objective, as stated on the PDF (Exhibit B), identifies her as the Circulation Supervisor and states she manages front line circulation staff and all aspects of customer service, customer accounts, and usage of library training materials. She is also responsible for recovery of funds for lost/damaged materials, and she assumes the Librarian's role in her supervisor's absence.

The essential functions for Ms. Soto's position state, in part:

- Supervises, manages, and oversees the workload of the library assistant;
- Responds to customer inquiries (internal & external customers) and requests for training program using telephone, interpersonal communication, making calls to customers regarding account status and to confirm scheduled programs;
- Reads and applies information gleaned from video descriptions, desk manuals, WACs, published catalog and policies, to make good decisions when assisting customers and resolving complaints;
- Maintains database with accurate entries and complex scheduling requests;
- Oversees the preparation of daily shipments of videos to customers;
- Assumes the role of librarians in their absence.

The majority of Ms. Soto's work (75%) is described as follows:

- Supervises, trains, and manages workload; directs circulation activities and develops procedures and establishes policies regarding circulation and inventory control;
- Deliver direct services to customers by providing library information regarding policies and procedures and schedules training videos. Provides customer assistance regarding complaints; notifies customers of status, confirms reservation dates, and provides additional information;
- Oversees the processing of new customer accounts, including all aspects of customer services. Analyzes statistics gathered from daily operations for future planning. Oversees the preparation of daily shipment and works with mailroom supervisor as the point of contact.

When comparing the essential functions and the majority of duties assigned to Ms. Soto's position, they best fit the LAPP 3 level. The majority of her work relates to assisting customers with the video collection, account maintenance, scheduling and confirming reservations, preparing/overseeing daily shipments of materials requested, and maintaining circulation and inventory control. Ms. Soto is responsible for performing or supervising the performance of those technical library tasks. Additionally, she regularly assigns and checks the work of a LAPP 1 employee, which is consistent with the distinguishing characteristics of the LAPP 3 class.

Although examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following examples of work at the LAPP 3 level most relate to Ms. Soto's duties (as they apply to circulation functions/video library):

- Catalogs library materials;
- Evaluates library materials;
- Arrange, index, and inventory special materials;
- Performs complex circulation functions; make authorized decisions regarding exceptional circumstances such as waiver of fines, exception to normal policy, waiver of limitations, and interpretation of policies; prepare library evidence for appeals of library fines;
- Oversees maintenance and repair of collections;
- May supervise lower level staff.

While Ms. Soto's duties may encompass complex work as it relates to scheduling or assisting customers, the complex, technical nature is primarily limited to accomplishing tasks. Ms. Soto's role, as documented on her PDF, is to oversee the circulation of materials. At the LAPP 4 level, positions are considered the first expert level, using intensive application of specialized knowledge and skills to perform duties such as searching bibliographic or complex reference resources, performing complex cataloging of library materials with catalog copy, and analyzing and resolving complex orders. Ms. Soto's duties do not meet the level of complexity required at the LAPP 4 level.

Finally, an allocation decision is not a reflection of work performance or an employee's ability to perform higher-level work. It is a determination based on the assignment of work to the position and how the majority of work best fits the available job classifications. It is obvious Ms. Soto's supervisor and manager highly value the work she performs. However, based on a comparison of Ms. Soto's assigned duties to the classifications within the Library & Archives Paraprofessionals Occupational Category, the Library & Archives Paraprofessional 3 classification best describes Ms. Soto's position # 1997.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Sue Soto,
Sandi LaPalm, L&I
Lisa Skriletz, DOP

Enclosure: List of Exhibits